City Council Atlanta, Georgia

An Amended ORDINANCE

02- 🔾 -0074

BY: ZONING COMMITTEE

Date filed: 6-11-01

U-01-30

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. Under the provisions of Section 16-05.005(1)(c) and 16-06.005(1)(c) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a church is hereby approved. Said use is granted to Ben Hill United Methodist Church and is to be located at 2075 Austin Road, SW to wit.

ALL THAT TRACT or parcel of land lying and being in Land Lots 7 and 31 of the 14th FF District of Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements," and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variance can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

STAFF RECOMMENDATION:

APPROVAL, conditioned on the following:

- 1. A site plan, dated January 28, 2002, entitled Ben Hill UMC Worship Center and marked received by the Bureau of Planning January 30, 2002 that eliminates the proposed future driveway at the southwest edge of Parcel "B" and incorporates the following, subject to review and approval by the Bureau of Planning and the Bureau of Transportation Services:
 - a) reduction in the proposed sanctuary seating to a maximum of 3000;
 - b) design elements shall include, but not be limited to, a total of 750 parking spaces, designed in such a manner as to minimize cuts and fills, to protect and conserve as many specimen trees as possible, based on topographical survey of the site and a tree survey identifying all trees over six inches in diameter measured at breast height and to minimize the impact of the parking facility on the adjoining residential uses;
- 2. The sole point of ingress and egress off of Austin Road shall be at the intersection of Austin Road and Camp Ground Road.
- 3. There shall be a minimum 50-foot undisturbed buffer along the boundary of Parcel 'A' and along the northern, southern and western boundary of Parcel 'B'. No land disturbance or tree removal shall occur within said undisturbed buffer. A privacy wall of 6-feet in height shall be installed, interior to the undisturbed buffer, prior to issuance of a building permit.
- 4. New building and/or facility lighting, including parking area lighting, shall be designed, shielded and constructed so as to prevent light spill onto adjoining residential areas.
- 5. Exterior construction activity shall be limited to Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. The church shall make every effort to utilize the area in the southeastern portion of Parcel "A" and the rear of Parcel "B" for construction staging activities. Undisturbed buffer areas shall be fenced off during construction.
- 6. Stormwater drainage engineering shall meet or exceed City of Atlanta and State of Georgia standards. The rate of stormwater run-off resulting from new construction shall be engineered so as to be directed away from the single-family residences to the north and south of the subject property, subject to approval of state and local agencies.
- 7. All new air-conditioning units shall be located to the rear of the new sanctuary building or on the roof. Compliance with this requirement shall be determined by the Bureau of Buildings prior to the issuance of a building permit for said building. Walls shall be installed around all new air-conditioning units and shall be designed and constructed so as to provide visual screening and acoustical screening that minimizes noise from said units reaching the northern and southern boundaries of Parcel "B".
- 8. All dumpsters shall be emptied and/or serviced on Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m.
- 9. The parking strip for the existing sanctuary fronting on Fairburn Road shall be eliminated and replaced with a landscaped treatment along Fairburn Road which shall be approved by the Bureau of Planning.

Conditions for U-01-30

Site plan entitled "Master Plan: Ben Hill UMC Worship Center, Atlanta, Georgia prepared by CDH Partners, Inc., Architecture/Planning, dated September 14, 2001, last revised November 20, 2001 and marked received by the Bureau of Planning November 21, 2001.

2614503

WARRANTY DEED

> FULTON COUNTY OF

GEORGIA STATE OF

THIS INDENTURE, Made the 3rd one thousand nine hundred SEVENTY EIGHT

day of JANUARY , between

Y. H. LONGINO, ET AL , AS TRUSTEES OF THE ATLANTA SOUTHWEST DISTRI

NORTH GEORGIA CONFERENCE OF THE METHODIST CHURCH BÜREAU OF , and State of Georgia, as party of the County of FULTON PLANNING first part, hereinafter called Grantor, and

OSCAR HORTON, JR.

as party or parties of the second part, hereinafter called Grantee (the words "Granton") and T "Grantee" to include their respective heirs, successors and assigns where the context requires ar permits).

WITNESSETH that: Grantor, for and in consideration of the sum of

) DOLLARS TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS (\$10.00) DOLLARS in hand paid at and before the scaling and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT or parcel of land lying and being in Land Lot 7 of the 14th District of formerly Fayette, now Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the original south line of said Land Lot 7 where the same is intersected by the center line of a public road known as Camp Ground Road, and running thence northerly, northeasterly, easterly and southeasterly along the center line of Camp Ground Road to a point where the center line of Camp Ground Road intersects the center line of Austin Road (if the center line of Austin Road were extended south so as to intersect Camp Ground Road); thence south 1 degrees east a distance of 76.1 feet to an iron pin on the original south line of said Land Lot 7; thence south 89 degrees 30 minutes west along the original south line of said Land Lot 7 a distance of 595.3 feet to the point of beginning. The above property is conveyed subject to the title and interest of Fulton County in and to a 40 foot road known as the extension of Camp Ground Road, conveyed to Fulton County on July 28, 1947 by deed recorded in Deed Book 2020, Page 314, Fulton County Records.

This deed is made subject to all easements, as well as all restrictive covenants of records, except those which impose a restriction upon the sale or occupancy of the above described property on the basis of race. color or creed.

This deed is made subject to all 1978 taxes which the grantee herein assumes and agrees to pay as a part of the above mentioned consideration.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

County, Ga. D.strie

My Commission Expires May 9, 1980

Page lof 6

Signed, sealed and delivered in presence of:

EXHIBIT H

n-01-30

STATE OF GEORGIA

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COUNTY OF FULTON

THIS ANDENTURE, made the une thousand nine hundred and ster ninety

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day of , between

Hay

THE BOARD OF TRUSTEES, ATLANTA-COLLEGE PARK DISTRICT NORTH GEORGIA CONFERENCE OF THE UNITED STATES NETHODIST CHURCH

of the County of of the County of Fulton or parties of the first part, bereinafter called County, and

, and State of Georgia

DEN HILL UNITED METHODIST CHURCH

of the County of FULTON and State of Georgia Aparty or parties of the second part, hereinafter called Crantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the contest requires or permits).

WITNESSETH that: Granton, for and in consideration of the sum of one dollar (\$100) and other wardship considerations in Hand find at and helper the sealing and delivery of these presents, the receipt whereof whereby acknowledged, by these presents these better rentite, convey and forever QUITCLAIM unto the said grantee Co

All that tract or parcel of land lying and being in Land Lot 7 of the 14th District of originally Fayette, now fulton County, Georgia, described as follows:

BEGINNING at the intersection of the center line of Camp Ground Road with the center line of Austin Road (which point of beginning is a distance of 78 feet measured north 1 degree west from an iron pin on the original south line of said Land Lot 7) and running thence north 1 degree west along the center line of Austin Road a thence north I degree west along the center line of Austin Road a distance of four hundred fifty (450) feet; thence west twenty-five (25) feet to an iron pin on the west side of Austin Road; thence west one hundred seventy-four and six-tenths (174.6) feet to a iron pin; thence north one hundred forty-two and three-tenths (142.3) feet to an iron pin; thence west 1,280 feet to an iron pin on the west side of said Land Lot 7; thence south along the west side of said Land Lot 7; thence south along the west side of said Land Lot 7; thence north 89 degrees 30 minutes east 843 feet to an iron pin at the intersection of the westerly side of Camp Ground Road with the south line of said Land Lot; thence continuing east along the south line of said Land Lot; thence continuing cast along the Road; thence northerly, northeasterly, easterly and Ground Road; thence northerly, northeasterly, easterly and southeasterly along the center line of Camp Ground Road to a point where the center line of Camp Ground Road intersects the center line of Austin Road and point of beginning.

TO HAVE AND TO HOLD the above described property to the only use, benefit and behoof of Grantee, and its respective heirs, successors, and assigns, forever and in PEE SIMPLE and with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining. In TRUST, that said premises shall be kept, maintained and disposed of for the benefit of The United Methodist Church and subject to the usages and the Discipline of The United Methodist Church. This provision is solely for the benefit of Grantee and the Grantor reserves no right or interest in said premises.

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15. WITNESS WHEREOF, Granter has segred and sealed this deed, the day and year first above written

BOARD OF TRUSTEES, ATLANTA-COLLUGE PARK DISTRICT, HORTH GEORGIA, CONFERENCE OF THE Signed, sealed and delivered in the presence of:

UNITED METHODIST CHURCH K(Scal) Chairmar

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district Superintendent

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RECEIVED JUN 1 1 2001 BUREAU OF PLANNING

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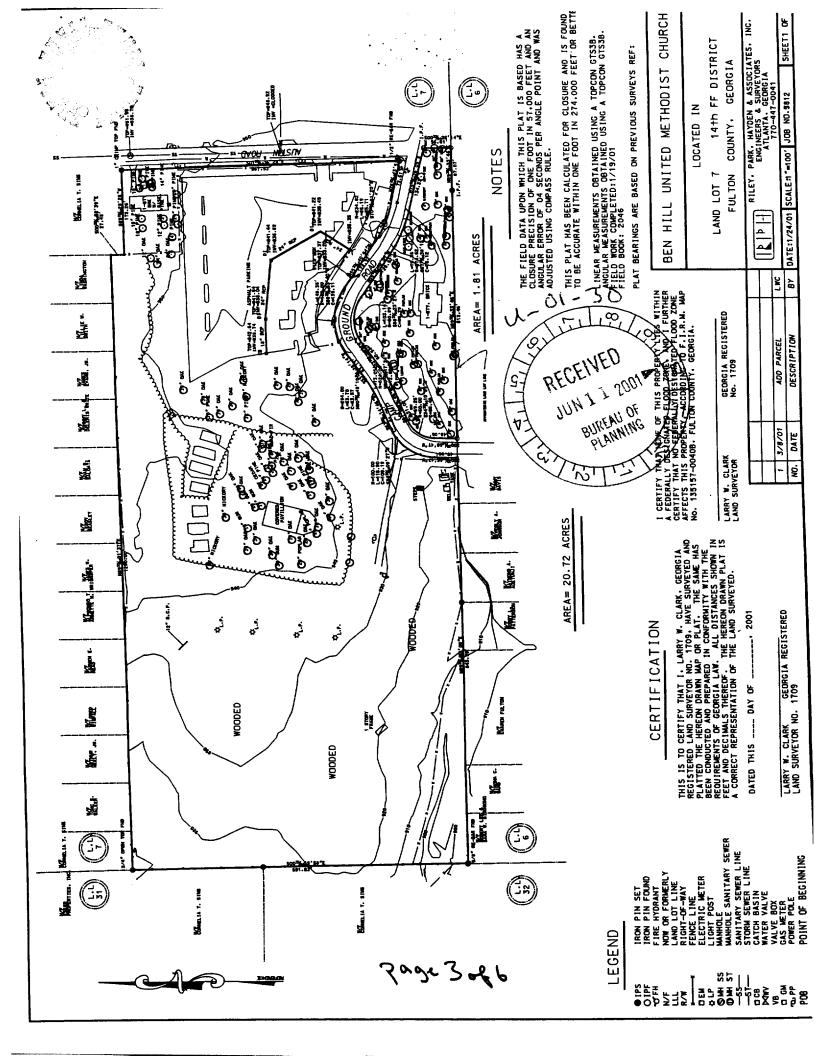


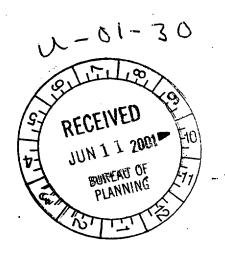
EXHIBIT "A"

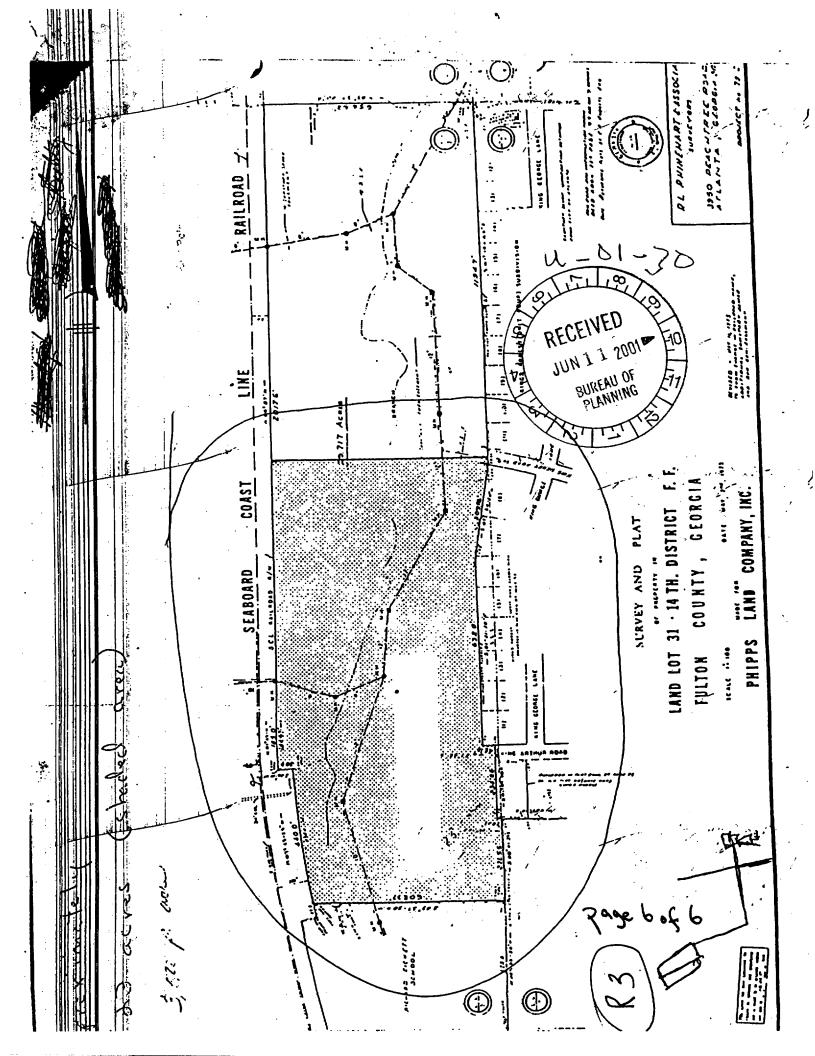
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 31 of the 14th District F.F., Fulton County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at an iron pin toping at the corner common to Land Lots 7, 8, 31, and 30; run thence along the land lot line common to Land Lots 7 and 31 South 01 degrees 18 minutes and 10 seconds East a distance of 360.51 feet to an Iron pin found, said iron pin found being at the line dividing Lots 3 and 4 Kings Forest Unit Four Subdivision; thence continuing along the land lot line common to Land Lots 7 and 31 and the western property line of Lots 4, 5, 6, 7, 8, 9, 10 and 11 of Kings Forest Unit Four Subdivision run South 01 degrees 17 minutes and 21 seconds East a distance of 783.08 feet to an iron pin found, said iron pin found being at the intersection of the northern right-of-way line of King Henry Road (having a 50-foot right-of-way width) with the southwestern corner of Lot 11 of the Kings Forest Unit Four Subdivision and also being the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING, as thus established and thence leaving Lot 11 of the Kings Forest Unit Four Subdivision and crossing the right-of-way of King Henry Road run South 01 degree, 18 minutes, 45 seconds East a distance of 50.39 feet to an iron pin set located on the southern right-of-way line of King Henry Road and said land lot line common to Land Lots 7 and 31 run long the western property line of Lots 8 through 1 of the Kings Forest Unit 1 Subdivision the following courses and distances: South 07 degree, 50 minutes 20 seconds West a distance of 309.8 feet to an iron pin found; South 07, 50 minutes and 20 seconds East a distance of 632.0 feet to an iron pin found; North 89 degree, 38 minutes, 35 seconds East a distance of 42.10 feet to an iron pin set; thence leaving said Western property line of Kings Forest Unit 1 Subdivision run South 01 degree, 09 minutes, 30 seconds East a distance of 20.12 feet to an Iron pin found, said iron pin found being located on the land lot line common to Land Lots 7 and 31; thence continuing along said land lot line common to Land Lots 7 and 31 run South 00 degree, 41 minutes, 39 seconds East a distance of 271.55 feet to a concrete monument set; thence leaving said land lot line common to Land Lots 7 and 31 run along the northern property line of the Richard Fickett School South 89 degree, 57 minutes, 50 seconds, West a - distance of 608.37 feet to a concrete monument found, said concrete monument found being located on the eastern right-of-way line of the Seaboard Coast Line Railroad (having a variable right-of-way width): thence leaving aid northern property line of the Richard Fickett School and continuing along said eastern right-of-way line of the Seaboard Coast Line Railroad run North 07 degree, 43 minutes, 25 seconds West a distance of 440.0 feet to a concrete monument; thence South 86 degree, 10 minutes, 43 seconds West a distance of 185.0 feet to a point; thence North 00 degrees, 07 minutes West a distance of 874.13 feet to an iron pin set; thence leaving said eastern right-of-way line of the Seaboard Coast Line Railroad run South 89 degree, 43 minutes, 51 seconds West a distance of 679.90 feet to an iron pin found, said iron pin found being at the intersection of the northern

pight-of-way line of King Henry Road and the southwestern corner of Lot 11 of the Kings Forest Unit Four Subdivision and also being the TRUE POINT OF BEGINNING.

The above-described property is shown on and described according that certain Survey for Phipps Land Company, Inc., prepared by R.L. Rhinehart & Associates, R.L. Rhinehart, Georgia Registered Land Surveyor No. 1476, dated May 2, 1973, last revised May 11, 1973, and that certain Survey for Harold L. Sims, prepared by Cowherd, Goodman & Associates, P.A., Dean E. Goodman, Georgia Registered Land Surveyor No. 1978, dated June 13, 1978, which certain Surveys are incorporated herein and by this reference made a part hereof.







Direct Dial: 404-572-4503 E-mail: cwestmor@pgfm.com

January 28, 2002

VIA HAND DELIVERY

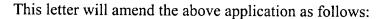
Mr. John A. Bell
City of Atlanta
Dept. of Planning, Development &
Neighborhood Conservation
68 Mitchell Street, S.W.
Suite 3350
Atlanta, Georgia 30335-0308

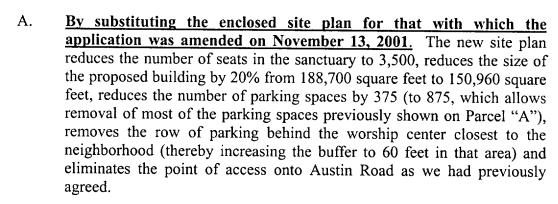
Re: U-01-30

Ben Hill United Methodist Church

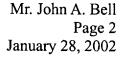
2099 Fairburn Road, S.W.

Dear John:





- B. By adding as a condition: That a restrictive covenant in favor of the Kings Forest Homeowners Association will be placed on that portion of the property designated as Parcel "A" on the site plan above the area in which parking is proposed which shall provide that such portion of Parcel "A" will neither be developed for additional church buildings or parking nor sold to a third party for development for a period of 20 years from the date of approval of the special use permit by the City of Atlanta.
- C. By adding as a condition: That a restrictive covenant in favor of the Kings Forest Homeowners Association will be placed on the parcel of land containing the church's existing sanctuary located at the intersection of Fairburn and Campground Roads which shall provide that such existing



JAN 3 0 2002



building will not be sold to another church for a period of 20 years from the date of approval of the special use permit by the City of Atlanta.

This amendment does not represent an agreement with any of the neighborhood groups who were present at the January 22 meeting, but is an attempt by the church to respond to those concerns we heard expressed by members of Council at that meeting. As you may know, development of the church's facility as proposed also requires approval of a height variance (V-01-371), which is scheduled to be heard by the BZA sometime in March. The commitments of the church set out in this letter are obviously contingent on approval of that variance, without which the plan cannot be developed. I hope that this is clear and that you will call me if you have questions or need anything further.

Very truly yours,

Carl E. Westmoreland Jr.

CEWjr/mr Enclosures ::ODMA\PCDOCS\ATL\547182\1

cc:

Councilmember Jim Maddox (via hand delivery)

Councilmember Debi Starnes (via hand delivery)

Rev. McCallister Hollins

Mr. John Mapp

Atlanta City Council

Regular Session

02-0-0074 U-01-30; Special Use Permit for Church 2075 Austin Rd., SW (Ben Hill Methodist) ADVERSE AS AMEN

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y	Smith	Y	Archibong	Y	Moore	Y	Mitchell
Y	Starnes	Y	Fauver	Y	Martin	Y	Norwood
Y	Young	Y	Shook	Y	Maddox	Y	Willis
Y	Winslow	Y	Muller	Y	Boazman	NV	Woolard

COUNCIL ACTION	2nd 1st & 2nd 3rd	□Consent □V Vote ☑RC Vote	CERTIFIED				FEB 1 8 2002	ATLANTA CITY COUNCIL PRESIDENT	Where W. Worland				MUNICIPAL CLERK		MAYOP'S ACTION					
ing		Committee	Date	Chair	Actions Frv Adv. Held (see rev. side)	Others	Members			Refer To	Committee	Date	Chair	Actions Fav, Adv, Held (see rev. side)	Other	Members				Refer To
First Reading	Committee Date Chair	Committee	Day Co	Chair	Actions and side	Other Car	em per			Refer To	Committee	Date	chair Chair	Action: Fox Adv. Held (see rav. side)				Marie Lourance		Refer To
	02-0 -0074 (Do Not Write Above This Line)	AN ORDINANCE U-01-30 BY: ZONING COMMITTEE	AN ORDINANCE GRANTING A SPECIAL USE	PERMIT FOR A CHURCH (SECTIONS 16-05.005 (1)(c) AND 16-06.005(1)(c), PROPERTY	FRONTING APPROXIMATELY 600 FEET	BEGINNING APPROXIMATELY 320 FEET SOUTH	ARTHUR ROAD. DEPTH: VARIES; AREA: APPROXIMATELY 45.25 ACRES; LAND LOTS	7 AND 31, 14THFF, DISTRICT, FULTON COUNTY, GEORGIA.	CHURCH CH	_		CORE & SELL MANAGEMENT				□ CONSENT REFER □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	☐ ADVERTISE & REFER ☐ 1st ADOPT 2nd READ & REFER	Date Referred $1/7/o2$	Referred To:	